

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNIE DALE SPOTTED BEAR,

Defendant.

Case No. 1:16-cr-00179

UNITED STATES' SENTENCING  
MEMORANDUM

The United States of America, by Christopher C. Myers, United States Attorney for the District of North Dakota, and Jonathan J. O'Konek, Assistant United States Attorney, respectfully submits this Sentencing Memorandum in the above-entitled case. Pursuant to 18 U.S.C. § 3553(a), the United States recommends that this Court sentence the defendant to: 1) serve 360 months' imprisonment on Counts One through Four, to run concurrent with one another; 2) serve a lifetime term of supervised release; 3) pay restitution in the amount of \$1,795.76 to Medicaid and \$1,090.00 to North Dakota Crime Victims Compensation, for a total of \$2,885.76; and 4) pay the \$400 special assessment.

On September 14, 2017, a jury found the defendant guilty of Counts One through Four of the Indictment, which charged the defendant with two counts of aggravated sexual abuse of a child under 12 years of age, one count of attempted sexual abuse of a child under 12 years of age, and one count of abusive sexual contact of a child under 12 years of age. Pursuant to the Presentence Investigation Report, the defendant has a total offense level 43, is in criminal history category I, and has a sentencing guideline range of life imprisonment. However, as noted above, the United States is recommending that this

Court grant a downward variance and sentence the defendant to 360 months' imprisonment, on Counts One through Four, to run concurrent with one another. The United States is making this downward variance request to take into account the defendant's age, seventy-three (73), and to sentence him to the mandatory minimum sentence of 360 months' imprisonment.

### ARGUMENT

#### The Nature and Circumstances of the Offense and the Characteristics of the Defendant Warrant a Sentence of 360 Months' Imprisonment:

During a five-year period, the defendant molested three girls (N.H.E., S.H., and M.S.) when they were between the ages of five and nine years old. The defendant, through his status as a trusted relative, gained access to, isolated, and individually molested these three girls. Specifically, the defendant molested N.H.E. and S.H.E. by liking their vaginas and molested M.S. by placing his hand on her vagina. Additionally, when the defendant learned that two of his victims disclosed that he molested them, he attempted to intimidate and influence their guardians. As of the date of this sentencing memorandum, the defendant is seventy-three (73) years old.

The defendant engaged in a pattern of sexually abusive behavior against three children. Each of these children trusted the defendant and the defendant abused their trust when he molested them. Therefore, the defendant's conduct warrants serious punishment. However, after considering the defendant's advanced age, the United States believes that a sentence of 360 months' imprisonment (the mandatory minimum sentence

on Counts One through Three) for each count is sufficient, but not greater than necessary to comply with the purposes set forth in 18 U.S.C. § 3553(a).

CONCLUSION

Therefore, this Court should sentence the defendant to: 1) serve 360 months' imprisonment on Counts One through Four, to run concurrent with one another; 2) serve a lifetime term of supervised release; 3) pay restitution in the amount of \$1,795.76 to Medicaid and \$1,090.00 to North Dakota Crime Victims Compensation, for a total of \$2,885.76; and 4) pay the \$400 special assessment.

Dated: December 5, 2017.

CHRISTOPHER C. MYERS  
United States Attorney

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